

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

KOSANDRA WILLIAMS

PLAINTIFF

V.

CIVIL ACTION NO. 3:22-CV-73-DPJ-MTP

DR. KILOLO KIJAKAZI, Commissioner of
the Social Security Administration

DEFENDANT

ORDER

This matter is before the Court on the Report and Recommendation of United States Magistrate Judge Michael T. Parker. Plaintiff Kosandra Williams, proceeding pro se, is seeking review of a final decision of the Commissioner of Social Security. The Commissioner says that Williams's suit should be dismissed because she failed to properly serve process on the United States Attorney. Mot. [18] at 1. Specifically, Williams failed to include a copy of the complaint when she sent a copy of the summons via certified mail as required by Federal Rule of Civil Procedure 4(i)(1). *Id.* The Court agrees with Judge Parker that the Commissioner's motion should be denied.

In his well-reasoned recommendation, Judge Parker explains that Williams "has responded to the Court's orders and Defendant's motions, and she has made good faith efforts to serve the Defendant, who will not suffer any undue prejudice if the Motion to Dismiss . . . is denied and service is effectuated under the Supplemental Rules." The Court agrees with Judge Parker that Williams, as a pro se litigant who has made good-faith efforts to effectuate service, should be afforded leniency. *See Sys. Signs Supplies v. U.S. Dep't of Just.*, 903 F.2d 1011, 1014 (5th Cir. 1990) (stating that "efforts, coupled with . . . pro se status, arguably provide grounds for leniency in considering the technical imperfections of service").

The Court also agrees with Judge Parker that service under the Supplemental Rules is appropriate. *See* April 11, 2022 Supreme Court Order, https://www.supremecourt.gov/orders/courtorders/frcv22_b8dg.pdf (stating that the Supplemental Rules for Social Security Review Actions Under 42 U.S.C. § 405(g) “shall govern[,] . . . insofar as just and practicable, all proceedings then pending”).

The Commissioner has not filed an objection to Judge Parker’s Report and Recommendation, and the time to do so has lapsed. *See* Fed. R. Civ. P. 72(b) advisory committee’s note (“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”). The Court adopts Judge Parker’s recommendation in full. Defendant’s Motion to Dismiss [18] is denied; the Clerk is directed to effectuate service under Rule 3 of the Supplemental Rules for Social Security Actions Under 42 U.S.C. § 405(g).

SO ORDERED AND ADJUDGED this the 12th day of January, 2023.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE